

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
THE NEW YORK TIMES COMPANY,	:	
	:	No. 1:23-cv-11195-SHS-OTW
Plaintiff,	:	
	:	
v.	:	
	:	
MICROSOFT CORPORATION, OPENAI,	:	
INC., OPENAI LP, OPENAI GP, LLC,	:	
OPENAI, LLC, OPENAI OPCO LLC,	:	
OPENAI GLOBAL LLC, OAI	:	
CORPORATION, LLC, and OPENAI	:	
HOLDINGS, LLC,	:	
	:	
Defendants.	:	

-----	X	
DAILY NEWS, LP; CHICAGO TRIBUNE	:	
COMPANY, LLC; ORLANDO SENTINEL	:	No. 1:24-cv-03285-SHS-OTW
COMMUNICATIONS COMPANY, LLC;	:	
SUN-SENTINEL COMPANY, LLC; SAN	:	
JOSE MERCURY-NEWS, LLC; DP MEDIA	:	
NETWORK, LLC; ORB PUBLISHING,	:	
LLC; AND NORTHWEST	:	
PUBLICATIONS, LLC,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
MICROSOFT CORPORATION, OPENAI,	:	
INC., OPENAI LP, OPENAI GP, LLC,	:	
OPENAI, LLC, OPENAI OPCO LLC,	:	
OPENAI GLOBAL LLC, OAI	:	
CORPORATION, LLC, OPENAI	:	
HOLDINGS, LLC,	:	
	:	
Defendants.	:	

-----	X
-------	---

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

v.

OPENAI, INC., OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPKO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI
HOLDINGS, LLC, and MICROSOFT
CORPORATION,

Defendants.

No. 1:24-cv-04872-SHS-OTW

X

DEFENDANT’S MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to Section IV of this Court’s Individual Practices in Civil Cases, defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation LLC, and OpenAI Holdings, LLC (collectively, “OpenAI”) seek leave to file under seal:

- Limited portions of Defendants’ Opposition to Plaintiff’s Letter Motion to Compel regarding additional OpenAI ESI custodians (ECF 313);
- Limited portions of the Declaration of Ashley Pantuliano in Support of Defendants’ Opposition to Plaintiff’s Letter Motion to Compel regarding Plaintiff’s requests for production of documents (ECF 322) (“Pantuliano Declaration”);
- Exhibit A to the Pantuliano Declaration, comprising an executed agreement subject to formal confidentiality provisions that contains highly sensitive information; and
- Exhibit C to the Pantuliano Declaration, comprising portions of an email thread between Che Chang and Frank Morrow.

For the reasons stated in OpenAI’s accompanying memorandum of law, which is also submitted in support of OpenAI’s Response to Plaintiff’s Motion for Leave to File Under Seal, OpenAI respectfully requests the Court grant its motion for leave to file under seal.

Dated: November 21, 2024

Respectfully Submitted,

By: /s/ Rose S. Lee

MORRISON & FOERSTER LLP

Joseph C. Gratz (*pro hac vice*)

jgratz@mofo.com

Andrew L. Perito (*pro hac vice*)

aperito@mofo.com

Vera Ranieri (*pro hac vice*)

vranieri@mofo.com

425 Market Street

San Francisco, CA 94105

Telephone: 415.268.7000

Rose S. Lee (*pro hac vice*)

roselee@mofo.com

707 Wilshire Boulevard, Suite 6000

Los Angeles, CA 90017-3543

Telephone: 213.892.5200

Carolyn M. Homer (*pro hac vice*)

cmhomer@mofo.com

2100 L Street, NW, Suite 900

Washington, DC 20037

Telephone: 202.650.4597

Jocelyn E. Greer

jgreer@mofo.com

Emily C. Wood

ewood@mofo.com

Eric K. Nikolaidis

enikolaides@mofo.com

250 West 55th St.

New York, NY 10019-9601

Telephone: 212.468.8000

By: /s/ Elana Nightingale Dawson

LATHAM & WATKINS LLP

Andrew M. Gass (*pro hac vice*)

andrew.gass@lw.com

Joseph R. Wetzel

joseph.wetzel@lw.com

505 Montgomery Street, Suite 2000

San Francisco, CA 94111

Telephone: 415.391.0600

Sarang V. Damle
sy.damle@lw.com
Elana Nightingale Dawson (*pro hac vice*)
elana.nightingaledawson@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200

Allison L. Stillman
alli.stillman@lw.com
Michael A. David
michael.david@lw.com
Rachel R. Blitzner
rachel.blitzner@lw.com
Herman H. Yue
herman.yue@lw.com
Luke A. Budiardjo
luke.budiardjo@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: 212.906.1200

By: /s/ Christopher S. Sun

KEKER, VAN NEST & PETERS LLP

Robert A. Van Nest (*pro hac vice*)
rvannest@keker.com
Paven Malhotra
pmalhotra@keker.com
Michelle S. Ybarra (*pro hac vice*)
mybarra@keker.com
Nicholas S. Goldberg (*pro hac vice*)
ngoldberg@keker.com
Thomas E. Gorman (*pro hac vice*)
tgorman@keker.com
Katie Lynn Joyce (*pro hac vice*)
kjoyce@keker.com
Sarah Salomon (*pro hac vice*)
ssalomon@keker.com
R. James Slaughter (*pro hac vice*)
rslaughter@keker.com
Christopher S. Sun (*pro hac vice*)
csun@keker.com

Andrew S. Bruns (*pro hac vice*)

abruns@keker.com

Andrew Dawson (*pro hac vice*)

adawson@keker.com

Edward A. Bayley (*pro hac vice*)

ebayley@keker.com

33 Battery Street

San Francisco, CA 94111-1809

Telephone: 415.391.5400

Attorneys for OpenAI Defendants